

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

In the Application

Applicant has amended the specification in view of the comments of the Examiner.

In the Drawings

Applicant has amended Figure 1 in view of the comments of the Examiner.

Disposition of the Claims:

Claims 1-29 are pending in this application. Claims 1-14 are withdrawn. Claim 20 has been canceled. Applicant has amended claims 15, 17, 22 and 25. Applicant has added claims 27-29.

Claims 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki (US 3,272,581). Applicant has amended claim 15 to include the step of channeling wiring from equipment positioned in the workstation. Further, Applicant's invention has compartments that vary in size. These compartments are made of shelves having different dimensions. As a result, Applicant's step of designing a compartment configuration containing spaces to store each piece of equipment considers height, depth and width. Stucki has a given depth for all compartments.

Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki and in further view of Ellman et al (US 5,518,310). Applicant respectfully traverses the Examiner's assertion.

Stucki describes an improved storage rack. The rack has a modular construction to afford cells of variable width and height, but a given depth. Changes can occur without the need for knocking down the entire frame. Ellman describes a mobile cart having a platform for supporting at least a commercially available electrosurgical instrument or apparatus and a smoke evacuator system. Preferably, the mobile cart

contains further means for housing additional accessories. The cart is constructed to provide a protected region within which electrical wiring can be run to ensure the wire does not interfere with the surgeon while performing an electrosurgical procedure.

Applicant submits that both references do contain features of the present invention. However, to establish a prima facie case of obviousness there must be some suggestion of teaching to combine the references. Further a combination of the references must work and must work in the same manner as the invention under examination. Finally, there must not be a teaching away from the invention under examination.

Applicant submits that there is no suggestion of teaching to combine the cited references. Sticki describes a storage rack having modular construction. This modular construction provides the ability to reconfigure the storage rack. Stucki does not provide for or discuss storage of equipment that needs to be connected to a power source (the channeling of electrical wires). Further, Stuck rack appears to be designed to be stationary

Ellman describes a mobile cart for an electrosurgical instrument having a fixed construction. Ellman has a top platform surface for the electrosurgical instrument. There are no compartments described in Ellman. Further, there is no discussion of any intention of reconfiguring this cart. Although Ellman does describe a system for channeling electrical wires through the cart, this description is for a fixed configuration. In this configuration, openings exist in the outer wall of the cart to facilitate channeling of wires. In addition, two walls for a space through which wires travel. Ellman does describe a wiring channel. However, this channel does not account for the wiring of equipment contained in compartments. As mentioned, Ellman does not discuss having equipment in compartments. Ellman describes a specific channel for wires from the electrosurgical instrument placed on the top platform of the cart. This specific channel routes the wires over the top of the outer wall, through an opening in the outer wall such that the wiring down the opening between the walls and back into the front portion of the cart. With the approach of Ellman, if there is a reconfiguration, it would be necessary to develop a new channel for routing wires. Applicant's present invention does not channel wiring back into the front part of the cart.

Ellman does not have compartments to place other equipment. Further, Ellman does not teach or suggest a way to have a common channel for wires from compartments in a multiple configuration cart. It is uncertain from Ellman, how to create a wiring channel for a multiple configuration cart.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings (MPEP 706.02(j)). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. In other words, elements of separate patents cannot be combined where there is no suggestion of such combination. Panduit Corp. v. Dennison Mfg. Co. (Fed. Cir 1987). In the present case, there is no teaching or suggestion of the combination of elements from Stucki and Ellman. Further, the descriptions of the devices in these references have features that are opposite (modular vs. fixed construction, compartments vs. a top surface, stationary vs. mobile). These opposite features teach away from a combination of the references.

Obviousness also takes into account secondary considerations. In this case, the problems associated with the convenient use of multiple pieces of equipment in a care giving environment is well known in the health care industry. Any one visiting a hospital room can see the many cords from the equipment spread/scattered all around the patient's bed. Further, the caregiver is constantly moving from bedside to bedside to monitor equipment. Although the Ellman cart was patented in 1996 and Stucki in 1966, at the time that Applicant filed this application and even today, no one has brought forth a solution this problem in concept or design that is similar to Applicant's invention. Applicant submits that this invention meets a long felt need in the health care industry.

For at least these reasons, Applicants respectfully submit that the art of record fails to render obvious any of Applicants' claims in the present invention. Moreover, Applicants respectfully submit that none of the art of record teaches Applicants' claimed invention. Further, none of the art of record mentions or suggests steps incorporated in Applicants' present invention. Applicants, therefore, request withdrawal of the rejection

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Reply to Office letter dated May 5, 2005

of Applicants' claims under 35 U.S.C. § 103 based on the cited art and allow Applicants' claims.

Applicants believe this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number. The extended period for response based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on September 5, 2005. The date of September 5, 2005 falls on a holiday, therefore, the date of September 6, 2005 is considered timely filed within the requested one-month extension. Applicants have enclosed the petition and fee with this response. Applicant has added three new claims, however to total number of claims is less than 20. Further, none of the added claims was an independent claim. Applicants believe no additional fees are due.

Respectfully Submitted,



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